

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MOJO NICHOLS, et al.,

Plaintiffs,

-against-

NOOM INC., et al.,

Defendants.  
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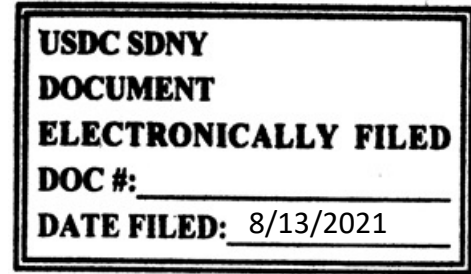
**KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE**

Consistent with this Court's rulings and directions set forth at the August 11, 2021 case management conference held in the above-captioned case, the Court hereby provides as follows:

**Motion for Class Certification and Fact Discovery Deadline:**

The current deadline for Plaintiffs' motion for class certification is September 30, 2021. In order to afford Plaintiffs additional time to digest the substantial amount of discovery already exchanged, and still yet to be exchanged, in this action, the Court finds that another modest extension of the class certification motion briefing schedule is warranted. Accordingly, Plaintiffs' moving papers on their motion for class certification will be due by **November 19, 2021**. Noom's opposition will be due by **January 28, 2022**. Plaintiffs' reply will be due by **March 25, 2022**.

Per the Court's prior scheduling orders, fact discovery is set to close on December 31, 2021. To the extent that additional merits-based fact discovery is required after a ruling on



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**ORDER**

Plaintiffs' class certification motion, the parties will have an additional 60 days to pursue said discovery. Further, the Court hereby stays merits-based expert discovery until after the Court rules on the class certification motion.

Finally, Plaintiffs raised a concern at the August 11 conference that some additional fact discovery may be necessary depending on the substance of Noom's brief in opposition to the motion for class certification. The Court will schedule a conference with the parties in order to assess any such discovery requests. **A case management conference will take place on February 2, 2022 at 2:00 p.m. in Courtroom 17-D, United States Courthouse, 500 Pearl Street New York, New York.** At that conference, Plaintiffs will be permitted to raise specific, targeted requests to aid in preparing their class certification reply brief and the Court will rule on those requests at that time.

**Motion to Compel:**

Defendants have raised various concerns regarding Plaintiffs' counsel's objections and conduct during the depositions of five of the named Plaintiffs. Specifically, Noom claims that Plaintiffs' counsel has lodged inappropriate objections during these depositions and has instructed his clients not to answer multiple questions on grounds other than privilege, which is typically improper. To the extent that Defendants would like to file a motion to compel responses to these unanswered deposition questions, Defendants may file said motion – not to exceed 20 pages in length – by no later than **September 10, 2021**. Plaintiffs' opposition is due by no later than **September 24, 2021**. No reply will be permitted.

**Hashing:**

The parties raised a purported dispute concerning the hash values that Noom has assigned to various confidential consumer identification codes that pervade that data sets Noom has provided thus far in discovery. Per the Court's direction at the August 11 conference, Noom should coordinate with its data scientists to provide Plaintiffs with an explanation as to the discrepancies Plaintiffs have identified with those data sets. Noom should endeavor to provide that information by **August 19, 2021**. Plaintiffs will then be permitted to take a limited purpose deposition of Noom's data scientists to better understand the data Noom has provided and to clear up any ambiguities with respect to the information therein. That limited purpose deposition should take place by no later than **August 27, 2021**. Furthermore, Plaintiffs should provide a list of questions to Noom by **August 20, 2021** to ensure that the data scientists are prepared to answer all of Plaintiffs' questions about the data in an efficient manner.

\* \* \*

The parties are directed to the conference transcript for other rulings and directives of the Court.

**SO ORDERED.**

Dated: New York, New York  
August 13, 2021



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KATHARINE H. PARKER  
United States Magistrate Judge